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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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	)	DOCKET NO. 07-035-13
In the Matter of the Application of Rocky	)	
Mountain Power for Authority To Change its	)	<b>REPLY IN SUPPORT OF MOTION</b>
Depreciation Rates Effective January 1, 2008	)	<b>FOR PROTECTIVE ORDER AND</b>
	)	<b>REQUEST FOR EXPEDITED</b>
	)	<b>TREATMENT, AND RESPONSE TO</b>
	)	<b>THE COMMITTEE OF CONSUMER</b>
	)	<b>SERVICES' MOTION FOR</b>
	)	<b>ALTERNATIVE ORDER</b>
	)	

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Rocky Mountain Power hereby submits its reply in support of its motion for protective order and request for expedited treatment, and also responds to the Utah Committee of Consumer Services' motion for alternative order as follows.

**A. Reply in Support of Rocky Mountain Power's Motion.**

1. The Utah Committee of Consumer Services' ("Committee") objection to Rocky Mountain Power's motion for protective order and request for expedited treatment ("Motion") should be disregarded because the Public Service Commission of Utah ("Commission") has already issued a protective order in this proceeding on June 28, 2007. Consequently, the Committee's objection is moot.

2. Furthermore, the Company has received nearly 200 formal written data requests in the above-captioned matter, some of which, have requested information that

the company deems to be valuable, confidential, trade secret, and/or proprietary business information and should be afforded the protections of a protective order. While most, if not all, of these data requests have been responded to by the company, the information that the company deems to be confidential in nature has been withheld pending the Commission's issuance of a protective order. The company also has an obligation to respond to these data requests within the time specified in the scheduling order. As such, this conflict becomes problematic and expedited treatment of a motion for protective becomes necessary. As such, the company's request for and the Commission's issuance of a protective order in an expedited manner was proper.

3. The protective order issued by the Commission is fair and equitable to all parties, and, with the exception of non-substantive docket specific information, is the same form of protective order that the Commission has been issuing in response to recent requests for protective orders. Attached hereto as Exhibit A is a copy of the protective order that was issued by the Commission in *Docket No. 07-035-04, In the Matter of Rocky Mountain Power for an Accounting Order*, which is also the same docket referenced by the Committee in its objection. Contrary to the Committee's contention, this protective order is consistent with, if not identical to the proposed protective order submitted by the company and issued by the Commission in this proceeding.

4. It has been Rocky Mountain Power's understanding that the Commission prefers to issue its own standard form of a protective order in order to maintain consistency in the Commission issued protective orders. As such, the company submitted its Motion based upon the Commission's historic practice regarding requests for protective orders, and submitted the form of protective order that has historically been issued by the Commission.

**B. Response to Motion for Alternative Protective Order.**

1. While the company does not have strong objections to the alternative language supplied by the Committee, Rocky Mountain Power contends that there is simply no need for the Commission to issue a new protective order that incorporates the alternative language proposed by the Committee because the Commission has already issued a protective order in this proceeding that is fair and equitable to all parties.

2. Furthermore, the Committee's request is procedurally defective because a protective order has already been issued by the Commission and the proper request should have been a request for reconsideration of the order pursuant to Commission Rule R746-100-11(F). As such, the Committee's motion for alternative order should be denied.

**C. Clarification of Certain Statements.**

1. The Committee contends that the company's proposed protective order was inconsistent with previous requests and implies that the company failed to serve counsel for the Committee with a copy of the Motion. Both assertions are incorrect.

2. Contrary to the Committee's contention that the protective order is "not consistent with protective orders recently submitted to the Commission by Rocky Mountain, or issued by the Commission," the protective order that was submitted in this proceeding is consistent with, if not identical (with the exception of certain non-substantive docket specific details) to the protective orders previously submitted by the Company in its most recent filings and with those protective orders that have recently been issued by the Commission. (See Exhibit A.)

3. Also, the Committee implies that it was not served with a copy of the company's Motion. As noted on the certificate of service attached to the company's

Motion, the company properly served the Committee by mailing the Motion to 500 Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT 84111. Attached hereto as Exhibit B is a copy of the certificate of service from the company's Motion, as verification of the proper service of the Motion.

**D. Conclusion.**

Based upon the foregoing, Rocky Mountain respectfully requests that the Commission disregard the objection of the Committee and deny its motion for alternative order.

DATED this \_\_\_\_ day of July 2007.

Respectfully submitted,

ROCKY MOUNTAIN POWER

By

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## CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_ day of July 2007, a true copy of the foregoing  
**Reply in Support of Motion for Protective Order and Request for Expedited  
Treatment, and Response to the Committee of Consumer Services' Motion for  
Alternative Order** was sent by electronic mail to the following:

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an employee of Rocky Mountain Power